

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION U03-0009/CV03-0077 ON
AUGUST 6, 2003, PROPERTY LOCATED AT 510 MOUNT VERNON HIGHWAY**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on November 20, 2007 at 7:00 p.m. as follows:

SECTION 1. That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on August 6, 2003, for petition U03-0009/CV03-0077 that allowed a use permit for a private school under the R-2 (Single Family Dwelling) District be changed for the property located at **510 Mount Vernon Highway**, consisting of a total of approximately 30.20 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lots 35, 71, and 72 of the 17th District, Fulton County, Georgia by the attached legal description; and

SECTION 2. That the variance(s), as listed in the attached conditions of approval, be approved under the provisions of Section 22.9 of the Zoning Ordinance of the City of Sandy Springs; and

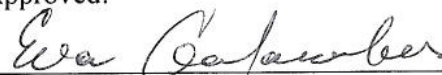
SECTION 3. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

SECTION 4. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 20th day of November, 2007.

Approved:


Eva Galambos, Mayor

Attest:


Christina Rowland, CMC, City Clerk

(Seal)



CONDITIONS OF APPROVAL

ZM07-009/CV07-027 **510 Mount Vernon Highway**

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of U03-0009/CV03-0077, with regard to the above referenced property currently zoned currently zoned R-2 (Single Family Dwelling District). Zoning modification petition ZM07-009/CV07-027 was approved by the Mayor and City Council at the November 20, 2007 hearing, subject to the following conditions:

1. To the owner's agreement to:
 - a. Restrict the use of the subject property to a private school at a maximum density of 7,450.34 gross square feet per acre zoned or a total gross floor area of 225, 000 square feet, whichever is less.
 - b. Restrict the number of students in the private school to 250 in the Middle School and 600 in the Upper School.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on September 28, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to the following site development considerations:
 - a. No more than two (2) exit/entrances on Glenridge Drive or as may be approved by the Sandy Springs Traffic Engineer. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - b. No more than 1 exit/entrance on Mount Vernon Highway or as may be approved by the Sandy Springs Traffic Engineer. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - c. To allow parking within the minimum front yard along Glenridge Drive. (2003VC-0077 NFC)
 - d. To prohibit outdoor lighting of the recreation fields, which would allow the use of such fields beyond sunset.
 - e. To direct all loudspeakers away from the property line closest to such speaker and toward the interior of the property. Any outdoor sound system shall be designed to minimize the impact on the surrounding property owners with speakers configured

so as to direct the sound to the intended audience on the subject site.

- f. To install a 6-foot high black vinyl coated chain link fence along the west property line between the subject site and the Mount Vernon Woods Subdivision. Said fence shall contain no gates. All fences shall require a separate Building Permit and, unless otherwise noted herein, compliance with all conditions associated with the construction of said fence shall be in place prior to the issuance of the first Certificate of Occupancy.
 - g. No lighting shall be installed within 50 feet of the west property line.
 - h. Any lighting installed within 125 feet of the west property line and/or along the main entry road off Mount Vernon Highway shall be no taller than 20 feet. Light fixtures shall be baffled or diffused in a manner which minimizes the impact on the neighboring residential property.
 - i. Trash collection shall be limited to between the hours of 9:00 AM and 4:00 PM. All trash receptacles shall be screened from view from the adjoining residentially zoned property to the west and north.
 - j. Delivery hours shall be limited to the hours of 7:30 AM to 7:30 PM.
 - k. Grounds maintenance shall be limited to the hours of 9:00 AM to 5:00 PM Monday through Friday and 9:00 AM to 4:00 PM on Saturday. Ground maintenance shall be permitted on Sunday only on the following exceptional basis:
 - i. The inability to conduct any grounds maintenance work during four (4) of the preceding six (6) days due to inclement weather;
 - ii. Emergency situations;
 - iii. The cleaning or repairing of storm damage.
 - l. To allow the proposed tennis courts to encroach sixty-five (65) into the required 100 foot active outdoor recreation area setback adjacent to residentially zoned property along the north property line as shown on the site plan received by the Department of Community Development dated September 28, 2007 (CV07-027).
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Reserve for Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required

landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

55 feet from centerline of Glenridge Drive;

45 feet from centerline of Mount Vernon Highway.

- b. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

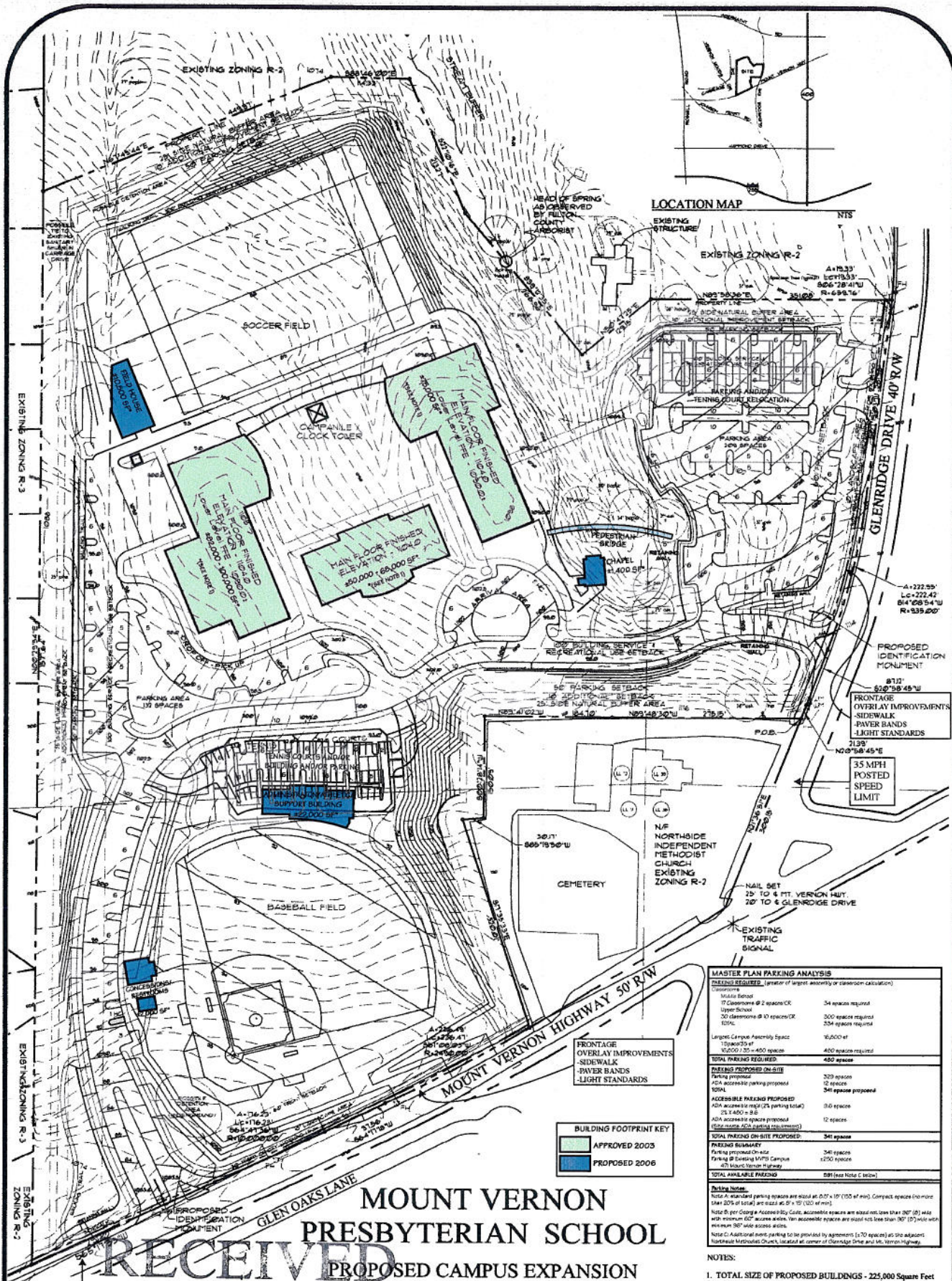
30 feet from centerline of Glenridge Drive;

30 feet from centerline of Mount Vernon Highway.

- c. Provide a deceleration lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
 - d. Provide a left turn lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
 - e. Improve the intersection of Mount Vernon Highway and Glenridge Drive as may be approved by the Sandy Springs Traffic Engineer.
 - f. Provide signal upgrades at the intersection of Mount Vernon Highway and Glenridge Drive as required by the Sandy Springs Traffic Engineer.
 - g. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the Sandy Springs Traffic Engineer at the concept review phase.
 - h. Provide a traffic impact study for the development to the Sandy Springs Traffic Engineer at the concept review phase.
5. To the owner's agreement to abide by the following:
- a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Community Development, to meet with the Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.

- b. Prior to the application for a Land Disturbance Permit with the Department of Community Development, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
- c. Prior to the application for a Land Disturbance Permit (LDP) with the Department of Community Development, the developer/engineer shall contact the Department of Community Development and arrange to meet with the Sandy Springs Drainage Engineer on-site.
- d. The engineer/developer is required to submit along with the application for a Land Disturbance Permit (LDP) signed documentation verifying the storm water concept plan approval.
- e. Provide at the LDP approval documentation (such as cross-section, profile, etc.) describing all existing natural streams, creeks, or draws geometry, within the proposed development boundary and provide the appropriate bank erosion protection for the conveyance system after development.
- f. The developer/engineer is responsible to demonstrate to the City by engineering analysis/computation at the Land Disturbance Permit application that the post-development storm water runoff discharge rate and velocity leaving the site are controlled to 75 percent of the pre-development storm water runoff conditions for the 1-year storm up to and including the 10-year storm event frequencies.
- g. Prior to the application for a Land Disturbance Permit, the developer/engineer shall submit to the Department of Community Development, a project Storm Water Concept Plan. This concept plan shall include a preliminary drawing describing the proposed location of the project surface water quality and quantity facilities/Best Management Practices (BMP's), the existing downstream off-site drainage conveyance system that the proposed development runoff will impact, and the discharge path(s) from the facilities'/BMP's outlet(s) through the offsite drainage system to the appropriate receiving waters. As part of the concept plan, a preliminary capacity analysis shall be performed on the identified offsite drainage system to identify the capacity of all points of constraint (pipes, culverts, etc.), the point in the stream channel where 25 year storm peak flow is the greatest percentage of the channel capacity, and the impact of post developed flows on these points. The critical capacity points shall be selected based upon the engineers' professional judgment and limited field survey data.
- h. The developer/engineer is responsible to conceptually describe to the City at the Storm Water Concept Plan approval phase post development structural Best Management Practices (BMP's) to be utilized to reduce surface water pollution impact associated with the proposed development. The detailed engineering analysis and specifications of BMP's shall be included as a part of the LDP storm water submittal.

- i. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, the discharge from any storm water management facility shall mimic pre-development sheet flow conditions and shall as a minimum utilize a level spreader as described in "Fulton County Storm Water Management Storm Drainage Design and Criteria Manual, December 2000".
- j. At the Concept review stage provide information on the Structural Best Management Practices (BMP's) that will be used to remove pollutants, such as organic matter, oil and grease from parking lot surface water runoff leaving the site. An assessment of the use of adsorptive filter catch basin inserts shall be provided, and selected BMP's shall be described and located on the storm water concept plan.



City of Sandy Springs
Community Development

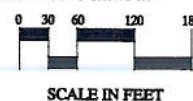


EXHIBIT A

RECEIVED

Legal Description of the Property

All that tract or parcel of land lying and being in Land Lots 35 and 72 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

To locate the true POINT OF BEGINNING, commence at a Nail Set at the intersection of the Northwesterly right of way line of Glenridge Road (40-foot right of way) and the Northwesterly right of way line of Mount Vernon Hwy (50-foot right of way); thence proceed along the Northwesterly right of way line of Glenridge Road North 21 degrees 36 minutes 51 seconds East a distance of 300.15 feet to an Iron Pin Found (½" Re-Bar); thence continue along the Northwesterly right of way line of Glenridge Road North 20 degrees 58 minutes 45 seconds East a distance of 21.39 feet to a point which is the true POINT OF BEGINNING; with the true POINT OF BEGINNING thus established, proceed North 89 degrees 48 minutes 30 seconds West a distance of 282.72 feet to a point located on the West line of Land Lot 35 and the East line of Land Lot 72; thence proceed North 01 degrees 53 minutes 02 seconds West a distance of 535.10 feet to an Iron Pin Placed; thence proceed North 50 degrees 47 minutes 25 seconds East a distance of 93.97 feet to an Iron Pin Placed; thence proceed North 89 degrees 58 minutes 36 seconds East a distance of 351.08 feet to an Iron Pin Placed on the Westerly right of way line of Glenridge Drive; thence proceed along the Westerly and Northwesterly right of way line of Glenridge Drive the following courses and distances: along the arc of a 659.76-foot radius curve to the right, an arc distance of 19.33 feet to a point (said arc being subtended by a chord bearing South 06 degrees 28 minutes 41 seconds West, a chord distance of 19.33 feet); South 07 degrees 19 minutes 03 seconds West a distance of 281.38 feet to a point; along the arc of a 935.00-foot radius curve to the right, an arc distance of 222.95 feet to a point (said arc being subtended by a chord bearing South 14 degrees 08 minutes 54 seconds West, a chord distance of 222.42 feet); and, South 20 degrees 58 minutes 45 seconds West a distance of 87.12 feet to a point which is the true POINT OF BEGINNING.

Said tract contains a total of 5.00000 acres and is depicted as Tract Three on a survey titled Boundary Survey of Property Located in Land Lots 35 and 72, 17th District, Fulton County, Georgia, dated February 2, 1998, last revised April 25, 2003, by Watts & Browning Engineers, Inc., which survey is incorporated herein by reference for a more complete description of the Property.

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